



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No VA0001449

Effective Date November 23, 2009

Expiration Date November 22, 2014

### AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, Part I - Effluent Limitations and Monitoring Requirements, and Part II - Conditions Applicable To All VPDES Permits as set forth herein

Owner	<b>Gunnoe Sausage Company, Inc</b>
Facility Name	<b>Gunnoe Sausage Company, Inc</b>
City	N/A
County	Bedford
Facility Location	3989 Cifax Road (SR 643), Goode

The owner is authorized to discharge to the following receiving stream

Stream	Roaring Run
River Basin	Roanoke River
River Subbasin	Roanoke River
Section	5a
Class	III
Special Standards	PWS

Steven A Dietrich, P E Regional Director, Blue Ridge Regional Office  
Virginia Department of Environmental Quality

11-23-09

Date

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# A EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- 1 During the period beginning with the effective date of the permit and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 001

Such discharges shall be limited and monitored by the permittee as specified below

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow, MGD	NL	NA	NA	NL	Continuous	Recorded
pH, S U	NA	NA	6.0	9.0	1/D-Day	Grab
BOD <sub>5</sub> (2)	NL mg/L 0.55 kg/d	NA	NA	NL mg/L 1.1 kg/d	1/D-Week	8HC
TSS (2)	NL mg/L 1.0 kg/d	NA	NA	NL mg/L 2.0 kg/d	1/D-Week	8HC
Total Residual						
Chlorine (2, 3)	1.1 µg/l	NA	NA	1.1 µg/l	1/Month	Grab
[DMR Code 165]						
<i>E. coli</i> (4)	126/100ml	NA	NA	NA	1/D-Week	Grab
Fecal Coliform (5)	NA	NA	NA	400/100 ml	1/Year	Grab
Oil & Grease (2)	NL mg/L 0.36 kg/d	NA	NA	10 mg/L 0.73 kg/d	1/Month	Grab
Dissolved Oxygen	NA	NA	4.0 mg/L	NA	1/D-Week	Grab

NA = Not applicable, NL = No Limitation, monitoring required  
 1/D-Day = One sample collected in each day there is a discharge  
 1/D-Week = One sample collected in each week there is a discharge

- 2 See Part I C 1 for quantification levels and reporting requirements
- 3 See Part I B for additional TRC limitations and monitoring requirements
- 4 Limit is a geometric mean, samples shall be collected between 10 a.m. and 4 p.m.
- 5 Limit is a maximum allowed at any time
- 6 There shall be no discharge of floating solids or visible foam in other than trace amounts

**B ADDITIONAL LIMITATIONS AND MONITORING REQUIREMENTS FOR TOTAL RESIDUAL CHLORINE (TRC)**

- 1 In addition to the final effluent (after dechlorination) limitations for Outfall 001 in Part I A , TRC shall also be monitored at the outlet of the chlorine contact tank and prior to dechlorination at a frequency of 1/day
- 2 No more than 3 of all samples for TRC taken after the chlorine contact tank and prior to dechlorination shall be less than 1 5 mg/L for any one calendar month [DMR Code #157]
- 3 No TRC sample collected prior to dechlorination shall be less than 0 6 mg/L [DMR Code #213]

**C OTHER REQUIREMENTS OR SPECIAL CONDITIONS**

**1 Quantification Levels and Compliance Reporting under Part I A**

- a Quantification Levels (QLs) shall be as follows

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
BOD <sub>5</sub>	5 0 mg/L
Total Suspended Solids	1 0 mg/L
Total Residual Chlorine	0 10 mg/L
Oil and Grease	5 mg/L

- b Reporting

Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I A and B shall be determined as follows All concentration data below the QL listed above shall be treated as zero All concentration data equal to or above the QL listed in a above shall be treated as it is reported An arithmetic average shall be calculated using all reported data for the month, including the defined zeros This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated If all data are below the QL, then the average shall be reported as "<QL" If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity Otherwise use the concentration data to determine the quantity

Weekly Average -- Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in Part I A and B shall be determined as follows All concentration data below the QL listed in a above shall be treated as zero All concentration data equal to or above the QL shall be treated as reported An arithmetic

**1 Quantification Levels and Compliance Reporting under Part I A (continued)**

average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and entirely contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the DMR. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity. Otherwise use the concentration data to determine the quantity.

Any single datum required shall be reported as "<QL" if it is less than the QL in a above. Otherwise the numerical value shall be reported.

Daily Maximum -- Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I A and B shall be determined as follows. All concentration data below the QL listed in a above shall be treated as zero. All concentration data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity. Otherwise use the calculated concentration.

- c Any single datum required shall be reported as "<QL" if it is less than the QL in a above. Otherwise the numerical value shall be reported.
- d Monitoring results shall be reported using the same number of significant digits as listed in the permit.

Significant Digits -- The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e., always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

## **2 Notification Levels**

The permittee shall notify the Department as soon as they know or have reason to believe

- a That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels
  - (1) One hundred micrograms per liter (100 µg/l),
  - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile, five hundred micrograms per liter (500 µg/l) for
  - (3) 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol, and one milligram per liter (1 mg/L) for antimony,
  - (4) Five (5) times the maximum concentration value reported for that pollutant in the permit application, or
  - (5) The level established by the Board
- b That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels
  - (1) Five hundred micrograms per liter (500 µg/l),
  - (2) One milligram per liter (1 mg/L) for antimony,
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the Permit application
  - (4) The level established by the Board

## **3 Materials Handling/Storage**

Any and all products, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner so as not to permit a discharge of such products, materials, industrial wastes, and/or other wastes to State waters, except as expressly authorized

## **4 Operation and Maintenance Manual Requirement**

The permittee shall review the existing Operations and Maintenance (O & M) Manual and notify the DEQ Regional Office in writing within 90 days of the effective date of this permit whether it is still accurate and complete. If the O & M Manual is no longer accurate and complete, a revised O & M Manual shall be submitted for approval to the DEQ

Regional Office within 90 days of the effective date of this permit or with the above required notification. The permittee will maintain an accurate, approved operation and maintenance manual for the treatment works. This manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of the permit. The permittee shall operate the treatment works accordance with the approved O&M Manual. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

- a Techniques to be employed in the collection, preservation, and analysis of effluent samples,
- b Discussion of Best Management Practices, if applicable,
- c Treatment works design, treatment works operation, routine preventative maintenance of units within the treatment system, critical spare parts inventory and record keeping,
- d A plan for the management and/or disposal of waste solids and residues
- e Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I B 5 that will prevent these materials from reaching state waters
- f Procedures for measuring and recording the duration and volume of treated wastewater discharged

Any changes in the practices and procedures followed by the permittee shall be documented and submitted for staff approval within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the O & M Manual shall be deemed a violation of the permit.

## **5 Licensed Operator Requirement**

The permittee shall employ or contract at least one wastewater works operator who holds a current wastewater license appropriate for the permitted facility. A Class III licensed operator is required for this facility. The license shall be issued in accordance with Title 54-1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

## **6 Total Maximum Daily Load (TMDL) Reopener**

This permit shall be modified or, alternatively, revoked and reissued if any approved waste load allocation procedure, to Section 303(d) of the Clean Water Act, imposes waste load allocations, limits, or conditions on the facility that are not consistent with the permit requirements.

**7 Water Quality Criteria Reopener**

Should effluent monitoring indicate the need for any water quality-based limitations, this permit may be modified or alternatively revoked and reissued to incorporate appropriate limitations

**8 Water Quality Standards Monitoring**

The permittee shall monitor the effluent at Outfall 001 for the substances noted in Attachment A of the permit according to the indicated analysis number, quantification level, sample type and frequency. Monitoring shall be initiated after the start of the third year from the permit's effective date. Using Attachment A as the reporting form, the data shall be submitted with the next application for reissuance which is due at least 180 days prior to the expiration date of this permit. Monitoring and analysis shall be conducted in accordance with 40 CFR Part 136 or alternative EPA approved methods. It is the responsibility of the permittee to ensure that proper QA/QC protocols are followed during the sample gathering and analytical procedures. The DEQ will use these data for making specific permit decisions in the future. This permit may be modified or, alternatively, revoked and reissued to incorporate limits for any of the substances listed in Attachment A.

**9 Best Management Practices**

A Best Management Practices (BMP) plan for control of leaks, spills and storm water runoff from the facility shall be developed and submitted for staff approval within 90 days of the effective date of this permit. Upon approval, the BMP plan becomes an enforceable part of the permit. The permittee shall amend the BMP plan whenever there is a change in the facility or operation of the facility which materially increases the potential to discharge significant amounts of pollutants or if the BMP plan proves to be ineffective in preventing the release of significant amounts of pollutants. Changes to the BMP plan shall be submitted for staff approval within 90 days of the effective date of the changes. Upon approval, the amended BMP plan becomes an enforceable part of the permit.

## 10 Instream Monitoring

The permittee shall submit a plan for monitoring of the receiving stream, upstream of outfall 001, by April 10, 2010, which shall include the following components, at a minimum

- a Sampling/monitoring station locations, including a map with the locations noted
- b For a period of at least one year, samples shall be tested for the following
  - (1) Quarterly for hardness,
  - (2) Monthly field analysis, *in situ*, for temperature and pH,
  - (3) Monthly effluent *in situ* analysis for temperature
- c Sampling should begin by January 31, 2012, and reported with the DMR, no later than February 10, 2013
- d If the results of this monitoring indicate actual or potential water quality standard violations, the permit may be modified, or alternately, revoked and reissued, in order to incorporate more stringent permit requirements

## D TOXICS MONITORING PROGRAM

### 1 Biological Monitoring

- a In accordance with the schedule in 2 below, the permittee shall conduct quarterly acute and chronic toxicity tests until there are a minimum of 10 for each test required. The permittee should collect 24-hour flow-proportioned composite samples of final effluent from outfall 001. At least one of the quarter's tests shall be performed when wastewater from winter slaughtering is expected to be discharged. The acute multi-dilution NOAEC tests to use are

48 Hour Static Acute test using *Ceriodaphnia dubia*

48 Hour Static Acute test using *Pimephales promelas*

These acute tests are to be conducted using 5 geometric dilutions of effluent with a minimum of 4 replicates, with 5 organisms in each. The NOAEC (No Observed Adverse Effect Concentration), as determined by hypothesis testing, shall be reported on the DMR converted to  $TU_a$  ( $100/NOAEC$ ). The  $LC_{50}$  should also be determined and noted on the submitted report. Tests in which control survival is less than 90% are not acceptable.

The chronic tests to use are

Chronic 3-Brood Static Renewal Survival and Reproduction Test using *Ceriodaphnia dubia*

Chronic 7-Day Static Renewal Survival and Growth Test using *Pimephales promelas*



These chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions, derived geometrically) to determine the "No Observed Effect Concentration" (NOEC) for survival and reproduction or growth. Results which cannot be quantified (i.e., a "less than" NOEC value) are not acceptable, and a retest will have to be performed. Express the test NOEC as  $TU_c$  (Chronic Toxic Units), by dividing  $100/NOEC$  for DMR reporting. Report the  $LC_{50}$  at 48 hours and the  $IC_{25}$  with the NOEC's in the test report.

The permittee may provide additional samples to address data variability during the period of initial data generation. These data shall be reported and may be included in the evaluation of effluent toxicity. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.

- b. The test dilutions should be able to determine compliance with the following endpoints:
  - (1) Acute  $LC_{50}$  of 100%, equivalent to a  $TU_a$  of 1.0
  - (2) Chronic NOEC of 41%, equivalent to a  $TU_c$  of 2.43
- c. The test data will be evaluated by WLA EXE for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the permittee, or if toxicity has been noted. Should evaluation of the data indicate that a limit is needed, a WET limit and compliance schedule will be required and the toxicity tests of 1 a may be discontinued.
- d. If after evaluating the data, it is determined that no limit is needed, the permittee shall continue acute and chronic toxicity testing (both species) of the outfall annually, as on the reporting schedule in 2, unless another monitoring period is otherwise directed by DEQ.
- e. All applicable data will be reevaluated for reasonable potential at the end of the permit term.

## 2 Reporting Schedule

The permittee shall report the results with the DMR and supply one copy of the toxicity test report specified in this Toxics Management Program in accordance with the following schedule

<u>Period</u>	<u>Compliance Periods</u>	<u>DMR/Report Submission Due by</u>
Quarter 1	01/01/2010 – 03/31/2010	04/10/2010
Quarter 2	04/01/2010 – 06/30/2010	07/10/2010
Quarter 3	07/01/2010 – 09/30/2010	10/10/2010
Quarter 4	10/01/2010 - 12/31/2010	01/10/2011
Quarter 5	01/01/2011 – 03/31/2011	04/10/2011
Quarter 6	04/01/2011 – 06/30/2011	07/10/2011
Quarter 7	07/01/2011 – 09/30/2011	10/10/2011
Quarter 8	10/01/2011 - 12/31/2011	01/10/2012
Quarter 9	01/01/2012 – 03/31/2012	04/10/2012
Quarter 10	04/01/2012 – 06/30/2012	07/10/2012
Annual 1	07/01/2012 – 06/30/2013	07/10/2013
Annual 2	07/01/2013 – 06/30/2014	07/10/2014

# CONDITIONS APPLICABLE TO ALL VPDES PERMITS

## A Monitoring

- 1 Samples and measurements taken as required by this permit shall be representative of the monitored activity
- 2 Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U S Environmental Protection Agency, unless other procedures have been specified in this permit
- 3 The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements

## B Records

- 1 Records of monitoring information shall include
  - a The date, exact place, and time of sampling or measurements,
  - b The individual(s) who performed the sampling or measurements,
  - c The date(s) and time(s) analyses were performed,
  - d The individual(s) who performed the analyses,
  - e The analytical techniques or methods used, and
  - f The results of such analyses
- 2 Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board

## C Reporting Monitoring Results

- 1 The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit Monitoring results shall be submitted to  
 Virginia Department of Environmental Quality  
 West Central Regional Office  
 3019 Peters Creek Road  
 Roanoke VA 24019-2738
- 2 Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department

C Reporting Monitoring Results (Continued)

- 3 If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U S Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department
- 4 Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit

D Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to

- 1 Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances, or
- 2 Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses

G Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F, or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain

G Reports of Unauthorized Discharges (Continued)

- 1 A description of the nature and location of the discharge,
- 2 The cause of the discharge,
- 3 The date on which the discharge occurred,
- 4 The length of time that the discharge continued,
- 5 The volume of the discharge,
- 6 If the discharge is continuing, how long it is expected to continue,
- 7 If the discharge is continuing, what the expected total volume of the discharge will be, and
- 8 Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement

H Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from

- 1 Unusual spillage of materials resulting directly or indirectly from processing operations,
- 2 Breakdown of processing or accessory equipment,
- 3 Failure or taking out of service some or all of the treatment works, and
- 4 Flooding or other acts of nature

I Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health

- 1 An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
  - a Any unanticipated bypass, and
  - b Any upset which causes a discharge to surface waters
- 2 A written report shall be submitted within 5 days and shall contain:
  - a A description of the noncompliance and its cause,
  - b The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and
  - c Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance

**I     Reports of Noncompliance (Continued)**

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported

- 3     The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2

**NOTE   The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (540) 562-6700 (voice) or (540) 562-6725 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892**

**J     Notice of Planned Changes**

- 1     The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when
- a     The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced
    - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source, or
    - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal,
  - b     The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit, or
  - c     The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan
- 2     The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements

K Signatory Requirements

- 1 Applications All permit applications shall be signed as follows
  - a For a corporation by a responsible corporate officer For the purpose of this section, a responsible corporate officer means (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations, the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures,
  - b For a partnership or sole proprietorship by a general partner or the proprietor, respectively, or
  - c For a municipality, state, federal, or other public agency By either a principal executive officer or ranking elected official For purposes of this section, a principal executive officer of a public agency includes (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency
- 2 Reports, etc All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person A person is a duly authorized representative only if
  - a The authorization is made in writing by a person described in Part II K 1,
  - b The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (A duly authorized representative may thus be either a named individual or any individual occupying a named position ), and
  - c The written authorization is submitted to the Department

K Signatory Requirements (Continued)

3 Changes to authorization If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative

4 Certification Any person signing a document under Parts II K 1 or 2 shall make the following certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations "

L Duty to Comply

The permittee shall comply with all conditions of this permit Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act Permit noncompliance is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or denial of a permit renewal application

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement

M Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit



N Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations

O State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance

P Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62 1-44 34 14 through 62 1-44 34 23 of the State Water Control Law

Q Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit

R Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters

S Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment

T Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit

U Bypass

- 1 "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3
- 2 Notice
  - a Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass
  - b Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I
- 3 Prohibition of bypass
  - a Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless
    - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage,
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
    - (3) The permittee submitted notices as required under Part II U 2
  - b The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a

V Upset

- 1 An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review

- 2 A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that

V Upset (continued)

- a An upset occurred and that the permittee can identify the cause(s) of the upset,
  - b The permitted facility was at the time being properly operated,
  - c The permittee submitted notice of the upset as required in Part II I, and
  - d The permittee complied with any remedial measures required under Part II S
- 3 In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof

W Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to

- 1 Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit,
- 2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit,
- 3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- 4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging Nothing contained herein shall make an inspection unreasonable during an emergency

X Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition

Y Transfer of permits

- 1 Permits are not transferable to any person except after notice to the Department Except as provided in Part II Y 2, a permit may be transferred by the permittee to a

new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act

Y Transfer of permits (continued)

- 2 As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if
  - a The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property,
  - b The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them, and
  - c The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b

Z Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby

**ATTACHMENT A**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**WATER QUALITY CRITERIA MONITORING**

CASRN#	CHEMICAL	EPA ANALYSIS NO	QUANTIFICATION LEVEL <sup>(1)</sup>	REPORTING RESULTS	SAMPLE TYPE <sup>(2)</sup>	SAMPLE FREQUENCY
<b>METALS</b>						
7440 66 6	Zinc dissolved	(3)	20		G	1/5 YR
<b>MISCELLANEOUS</b>						
	Ammonia as NH3 N	350 1	200		C	January*
	Ammonia as NH3 N	350 1	200		C	February*
	Ammonia as NH3 N	350 1	200		C	March*
	Ammonia as NH3 N	350 1	200		C	April*
	Ammonia as NH3 N	350 1	200		C	May*
	Ammonia as NH3 N	350 1	200		C	June*
	Ammonia as NH3 N	350 1	200		C	July*
	Ammonia as NH3 N	350 1	200		C	August*
	Ammonia as NH3 N	350 1	200		C	September*
	Ammonia as NH3 N	350 1	200		C	October*
	Ammonia as NH3 N	350 1	200		C	November*
	Ammonia as NH3 N	350 1	200		C	December*
471 34 1	Hardness (mg/L as CaCO <sub>3</sub> )	(4)	(5)		C	1/5 YR

\_\_\_\_\_  
 Name of Principal Exec Officer or Authorized Agent/Title

\_\_\_\_\_  
 Signature of Principal Officer or Authorized Agent/Date

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. See 18 U.S.C. Sec. 1001 and 33 U.S.C. Sec. 1319. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)

**FOOTNOTES**

\* One sample a month in the third year of the permit

(1) Quantification level (QL) is defined as the lowest concentration used for the calibration of a measurement system when the calibration is in accordance with the procedures published for the required method.

The quantification levels indicated for the metals are actually Specific Target Values developed for this permit. The Specific Target Value is the approximate value that may initiate a wasteload allocation analysis. Target values are not wasteload allocations or effluent limitations. The Specific Target Values are subject to change based on additional information such as hardness data, receiving stream flow, and design flows.

Units for the quantification level are micrograms/liter unless otherwise specified.

Quality control and quality assurance information shall be submitted to document that the required quantification level has been attained.

(2) Sample Type

G = Grab = An individual sample collected in less than 15 minutes. Substances specified with 'grab' sample type shall only be collected as grabs. The permittee may analyze multiple grabs and report the average results provided that the individual grab results are also reported. For grab metals samples, the individual samples shall be filtered and preserved immediately upon collection.

C = Composite = An 8 hour composite. The composite shall be a combination of individual samples taken proportional to flow, obtained at hourly or smaller time intervals during times when discharge is related to normal operations. The individual samples may be of equal volume for flows that do not vary by +/- 10 percent over compositing period.

- (3) A specific analytical method is not specified, however a target value for each metal has been established. An appropriate method to meet the target value shall be selected from the following list of EPA methods (or any approved method presented in 40 CFR Part 136). If the test result is less than the method QL, a '<[QL]' shall be reported where the actual analytical test QL is substituted for [QL].

<u>Metal</u>	<u>Analytical Method</u>
Antimony	1638 1639
Arsenic	1632
Chromium <sup>(9)</sup>	1639
Cadmium	1637 1638 1639 1640
Chromium VI	1639
Copper	1638 1640
Lead	1637 1638 1640
Mercury	1631
Nickel	1638 1639 1640
Selenium	1638 1639
Silver	1638
Zinc	1638 1639

- (4) Any approved method presented in 40 CFR Part 136.
- (5) The QL is at the discretion of the permittee. For any substances addressed in 40 CFR Part 136, the permittee shall use one of the approved methods in 40 CFR Part 136.
- (6) Testing for phenols requires continuous extraction.
- (7) Analytical Methods: NBSR 85-3295 or DEQ's approved analysis for Tributyltin may also be used [See A Manual for the Analysis of Butyltins in Environmental Systems by the Virginia Institute of Marine Science, dated November 1996].
- (8) Both Chromium III and Chromium VI may be measured by the total chromium analysis. If the result of the total chromium analysis is less than or equal to the lesser of the Chromium III or Chromium VI method QL, the results for both Chromium III and Chromium VI can be reported as '<[QL]' where the actual analytical test QL is substituted for [QL].
- (9) The lab may use SW846 Method 8270D provided the lab has an Initial Demonstration of Capability, has passed a PT for Kepone, and meets the acceptance criteria for Kepone as given in Method 8270D.